

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In Re:

CHAPTER 13

MARK CHRISTIAN,

CASE NO. 19-56979 - SMS

Debtor.

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER, ITS SUCCESSORS OR
ASSIGNS,

CONTESTED MATTER*

Movant,

V.

MARK CHRISTIAN, Debtor
JENNIFER C. CHRISTIAN, Codebtor
K. EDWARD SAFIR, Chapter 13 Trustee,

Respondents.

NOTICE OF MOTION FOR RELIEF FROM STAY,
DEADLINE TO OBJECT AND HEARING

Nationstar Mortgage LLC d/b/a Mr. Cooper has filed a **Motion for Relief from the Automatic Stay** on July 13, 2023. Pursuant to Second Amended and Restated General Order No. 24-2018, the Court may consider this matter without further notice or a hearing if no party in interest files a response or objection within **twenty-one (21) days** from the date of service of this notice. **If you object to the relief requested in this pleading, you must timely file your objection with the Bankruptcy Clerk at United States Bankruptcy Court, Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303, and serve a copy on the movant's attorney, LOGS Legal Group LLP, 211 Perimeter Center Parkway, N.E., Suite 130, Atlanta, GA 30346, and any other appropriate persons by the objection deadline.** The response or objection must explain your position and be actually received by the Bankruptcy Clerk within the required time.

A hearing on the pleading has been scheduled for August 22, 2023. **The Court will hold a hearing on the Motion for Relief from the Automatic Stay at 10:15 A.M., on August 22, 2023, in United States Bankruptcy Court, Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303, Courtroom 1201**, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for

further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

If an objection or response is timely filed and served, the hearing will proceed as scheduled. **If you do not file a response or objection within the time permitted, the Court may grant the relief requested without further notice and without holding the scheduled hearing** provided that an order approving the relief requested is entered at least one business day prior to the scheduled hearing. If no objection is timely filed, but no order is entered granting the relief requested at least one business day prior to the scheduled hearing, the hearing will be held as scheduled.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

Dated: 7/13/2023

LOGS LEGAL GROUP LLP

/s/ Howell A. Hall

Howell A. Hall 318750
Kathlyn Flora Ibrahim Fouad Khashan
177083
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
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In Re:

MARK CHRISTIAN,

Debtor.

CHAPTER 13

CASE NO. 19-56979 - SMS

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER, ITS SUCCESSORS OR
ASSIGNS,

Movant,

CONTESTED MATTER*

V.

MARK CHRISTIAN, Debtor
JENNIFER C. CHRISTIAN, Codebtor
K. EDWARD SAFIR, Chapter 13 Trustee,

Respondents.

**MOTION FOR RELIEF FROM STAY
AND MOTION FOR RELIEF FROM CODEBTOR STAY**

COMES NOW Nationstar Mortgage LLC d/b/a Mr. Cooper, its successors or assigns, ("Movant"), by and through its undersigned counsel, and alleges as follows:

1.

The Court has jurisdiction over this matter pursuant to 11 U.S.C. §362(d) and 1301 FRBP 4001(a), and the various other applicable provisions of the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the laws of the United States of America.

2.

Mark Christian (hereinafter "Debtor") filed this proceeding under Chapter 13 of the Bankruptcy Code on May 4, 2019 and remains in possession of the subject property under a plan of arrangement to be confirmed by this Court.

3.

Movant is the holder or servicer of a loan secured by certain real property now or formerly known as 624 Victoria Lane, Woodstock, GA 30189, in Cherokee County, GA. Copies of the Security Deed and Assignments are attached hereto as Exhibit "A". A copy of the Note is attached hereto as Exhibit "B". Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

4.

Movant alleges that the Debtor is in default to Movant under the terms of the loan documents, having failed to make certain post-petition mortgage payments that have come due. As of July 6, 2023, the estimated post-petition deficiency is \$9,450.15 and consists of the December 1, 2022 through May 1, 2023 payments at \$1,066.76 each and June 1, 2023 through July 1, 2023 payments at \$1,137.20 each, attorney fees and costs in the amount of \$1,238.00, less the suspense balance in the amount of \$462.81. An additional payment will come due August 1, 2023 and on the 1st day of each month thereafter until the loan is paid in full.

5.

As of July 6, 2023, current unpaid principal balance due under the loan document is \$88,642.76; the payoff balance is approximately \$96,725.33. According to the Debtor's Schedule A/B, the property is currently valued at \$175,000.00.

6.

Based upon the foregoing facts, there is a lack of adequate protection in the subject property. Movant shows that good cause exists to grant relief from the automatic stay of 11 U.S.C. §362 and the CoDebtor stay of 11 U.S.C. § 1301.

7.

Movant has incurred attorney's fees and cost as a result of filing this motion. These fees and cost are recoverable pursuant to the loan documents, and Movant seeks leave to recover these fees and costs under the remedies available therein.

8.

Movant requests that upon entry of an Order granting relief from the automatic stay of Section 362 and the CoDebtor stay of 11 U.S.C. § 1301 said Order also instruct the Chapter 13 Trustee to cease disbursements on Movants' Proof of Claim.

WHEREFORE, Movant respectfully requests:

- a) That the automatic stay under 11 U.S.C. §362 and the CoDebtor stay of 11 U.S.C. § 1301 be modified to allow Movant to pursue state remedies to protect its security interest in the Property, including, but not limited to, effectuating a foreclosure sale and gaining possession of the Property; to contact the Debtor and CoDebtor via telephone or written correspondence to discuss potential loan

workout or loss mitigation opportunities; and to perform property preservation as appropriate;

- b) That Movant's attorney's fees and costs incurred in filing and prosecuting this Motion be recoverable as pursuant to the loan documents and remedies available therein;
- c) That the fourteen (14) day stay of Bankruptcy Rule 4001(a)(3) be waived;
- d) That Movant be permitted to offer and provide Debtor with information regarding a potential forbearance agreement, loan modification, refinance agreement, or other loan workout/loss mitigation agreement, and to enter into such an agreement with Debtor;
- e) Movant prays, that in the event of an Order granting relief from the automatic stay of Section 362 said Order also instruct the Chapter 13 Trustee to cease disbursements on Movant's Proof of Claim.
- f) For such other and further relief the Court deems just and proper.

Dated: 7/13/2023

LOGS LEGAL GROUP LLP

/s/ Howell A. Hall
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Kathlyn Flora Ibrahim Fouad Khashan
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CERTIFICATE OF SERVICE

The undersigned certifies that on 13th day of July, 2023, a copy of the foregoing Notice of Assignment of Hearing was served, together with a copy of the Motion for Relief from Stay was caused to be served upon the following:

Via CM/ECF Electronic Notice

K. Edward Safir
285 Peachtree Center Ave.
Suite 1600
Atlanta, GA 30303

Via First Class Mail, Postage Prepaid

Debtor
Mark Christian
624 Victoria Lane
Woodstock, GA 30189

Co-Debtor
Jennifer C. Christian
624 Victoria Lane
Woodstock, GA 30189

LOGS LEGAL GROUP LLP

/s/ Howell A. Hall

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